

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JENNIFER LYNN WELZ ADMINISTRATOR
of the ESTATE of DENNIS LEE WELZ JR.
DECEASED

Plaintiff,

v.

HYATT HOTELS CORPORATION, et al.,

Defendants.

Case No.:

Judge:

Removed from State Court of Cuyahoga
County, Case No. CV24998539

**NOTICE OF REMOVAL OF CIVIL
ACTION TO THE UNITED STATES
DISTRICT COURT**

PLEASE TAKE NOTICE Defendants Hyatt Hotels Corporation, Apple Leisure Group, Amstar DMC, ALG Vacations Corp. and United Vacations (collectively, “Defendants”), pursuant to Fed. R. Civ. P 81(c) and 28 U.S.C. §§ 1332, 1441 and 1446, hereby submit this Notice of Removal, requesting removal of the State Court of Cuyahoga County action described below to the United States District Court for the Northern District of Ohio, Eastern Division. In support of the removal of this action, Defendants state:

1. On or about June 7, 2024, Plaintiff Jennifer Lynn Welz, Administrator of the Estate of Dennis Lee Welz Jr., Deceased (“Plaintiff”) filed suit against Defendants in the Cuyahoga County Court of Common Pleas, captioned Jennifer Lynn Welz Administrator of the Estate of Dennis Lee Welz Jr., Deceased v. Hyatt Hotels Corporation, et al., Case No.: CV24998539 (the “State Court Action”). To date, the only documents filed in the State Court Action are the Complaint with Jury Demand Returns of Service, and Notice of Appearance of Counsel. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders either served upon these Defendants or listed on the docket in the State Court Action are attached as Exhibit A.

2. While the State Court Action docket notes all Defendants have been served, this is incorrect. Defendant Apple Leisure Group is a registered trademark, not an entity. Defendant United Vacations is a registered trademark, not an entity. Defendant Amstar DMC is improperly named and is not an existing entity. It is properly named Amstar DMC, Jamaica Limited, is a foreign entity, and has not been properly served. *See* Declaration of Christina Urbanski (attached as Exhibit B); Return to Sender Return Receipt Requested for Amstar DMC (attached as Exhibit C).
3. On or about June 14, 2024, Defendants Hyatt Hotels Corporation (“Hyatt”) and ALG Vacations Corp. (“ALGV”) first received notice of Plaintiff’s Complaint via certified mail. *See* Exhibit A. In accordance with the provisions of 28 U.S.C §§ 1441 and 1446, this Notice of Removal to the United States District Court is timely filed within thirty (30) days of Defendants’ receipt of the initial pleading. *See* Exhibit A.
4. Pursuant to 28 U.S.C. § 1441(a), venue of this action exists in this District Court because the Cuyahoga County Court of Common Pleas is located within the Northern District of Ohio, Eastern Division.
5. Hyatt and ALGV consent to the filing of this Notice of Removal.
6. According to Plaintiff’s Complaint, Plaintiff is a resident of Ohio. *See* Exhibit A.
7. Hyatt is a Delaware corporation with its principal place of business located at 150 N. Riverside Plaza, Chicago, Illinois 60606. *See* Declaration of Christina Urbanski (attached as Exhibit B).
8. ALGV is a Delaware corporation with its principal place of business located at 3805 West Chester Pike, Suite 240, Newtown Square, Pennsylvania 19073. *See Id.* (attached as Exhibit B).

9. Defendant Apple Leisure Group is a registered trademark, not an entity. *See Id.* (attached as Exhibit B).
10. Defendant United Vacations is a registered trademark, not an entity. *See Id.* (attached as Exhibit B).
11. Defendant Amstar DMC is improperly named in the Complaint. It is properly named Amstar DMC, Jamaica Limited, is a foreign entity, and has not been properly served. *See Declaration of Christina Urbanski* (attached as Exhibit B); Return to Sender Return Receipt Requested for Amstar DMC (attached as Exhibit C).
12. Thus, there exists complete diversity of citizenship between Plaintiff and Defendants.
13. In the Complaint, Plaintiff alleges Defendants were negligent and seeks to recover damages on behalf of the Estate of Dennis Lee Welz Jr. for the death of Dennis Lee Welz Jr. as well as any alleged conscious pain and suffering experienced prior to death.
14. Plaintiff's Complaint requests damages on behalf of the next-of-kin of Dennis Lee Welz Jr. for loss of services, society, companionship, care, assistance, protection, advice, guidance, counsel, and other such damages set forth in R.C. 2125.
15. Plaintiff's claims and alleged damages underlie an amount in controversy in excess of \$75,000.00. The amount in controversy therefore exceeds \$75,000.00, exclusive of interest and costs.
16. This action is therefore one over which this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332, in that Plaintiff and Defendants are residents of different states and the value of the matter in controversy, exclusive of interest and costs, exceeds \$75,000.00.

17. While Amstar DMC Jamaica, Limited consents to removal to this Court, it expressly denies proper service of the Complaint, and affirmatively raises insufficiency of service of process of these proceedings, lack of subject matter jurisdiction, and lack of personal jurisdiction, among other defenses relative to it being named as a Defendant in this case.
18. Defendants also expressly reserve their objection to subject matter and personal jurisdiction of this case in the United States District Court, and reserve all rights relative to the doctrine of *forum non conveniens*.
19. The State Court of Cuyahoga County, Ohio is situated within jurisdiction of the United States District Court for the Northern District of Ohio, Eastern Division, making this the appropriate forum to entertain this action pursuant to 28 U.S.C. § 1441(a).
20. As required, Defendants have given written notice of the filing of this Notice of Removal to Georg I. Abakumov, Esq. counsel of record for Plaintiff, and will promptly file a copy of this Notice of Removal with the Clerk for the Cuyahoga County Court of Common Pleas. A copy of Defendants' Notice of Filing of Removal of Civil Action to the United States District Court is attached as Exhibit D.

WHEREFORE, Defendants respectfully request this matter be placed on the docket of this Court and the State Court of Cuyahoga County, Ohio be enjoined from further proceedings in this matter.

Respectfully submitted this 12th day of July, 2024.

/s/Theresa A. Edwards

Theresa A. Edwards (0090971)

Thomas P. Mannion (0062551)

LEWIS BRISBOIS BISGAARD & SMITH LLP

1375 E. 9th Street, Suite 2250

Cleveland, Ohio 44114

Tel. 216.344.9422/Fax 216.344.9

Tera.Edwards@lewisbrisbois.com

Tom.Mannion@lewisbrisbois.com

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify on this 12th day of July, 2024, a true and correct copy of the foregoing was sent via electronic mail to the following:

Georg I. Abakumov

Law Offices of Georg Abakumov LLC

14435 Hunting Hills Drive

Novelty, OH 44072

georg.abakumov@gmail.com

Counsel for Plaintiff

/s/Theresa A. Edwards

Theresa A. Edwards (0090971)

Thomas P. Mannion (0062551)

LEWIS BRISBOIS BISGAARD & SMITH LLP

Counsel for Defendants